

## CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: January 20, 2005 Name: John G. Rauch

Signature:

BRINKS  
HOFER  
GILSON  
& LIONE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Singh, Narinder Pal, et al.

Appln. No.: 10/072,220

Filed: February 8, 2002

For: AUTOMATIC FLIGHT MANAGEMENT IN  
AN ONLINE MARKETPLACE

Attorney Docket No: 9623/374

Examiner: Cuong H. Nguyen

Art Unit: 3661

Mail Stop Issue Fee  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

## TRANSMITTAL

Sir:

## Attached is/are:

- ☒ Check for \$1730; Fee(s) Transmittal, in duplicate; Request for Reconsideration of the Patent Term Adjustment Under 37 C.F.R. Section 1.705(b), with Exhibits A and B, in duplicate, authorizing use of deposit account for petition fee
- ☒ Return Receipt Postcard

## Fee calculation:

- ☐ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_\_).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
Total					\$			Total \$	

## Fee payment:

- ☒ A check in the amount of \$1730 to cover the issue and publication fees and 10 advance copies is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

John G. Rauch (Reg. No. 37,218)

Date

1/20/05

Date of Deposit

Name of applicant, assignee or  
Registered Representative

Signature \_\_\_\_\_

Date of Signature

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

# For AUTOMATIC FLIGHT MANAGEMENT IN AN ONLINE MARKETPLACE

Group Art Unit No. 3661

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

A Notice of Allowance was mailed on October 27, 2004 with a term adjustment under 35 U.S.C. § 154(b) of 0 days. For the reasons stated herein, reconsideration of this patent term adjustment is respectfully requested.

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### **REMARKS**

Reconsideration of the patent term adjustment under 35 U.S. C. § 154(b) is requested. A Notice of Allowance for this application was mailed October 27, 2004, with a term adjustment of 0 days. Correction of the patent term adjustment to add 7 days to the patent term as shown below is respectfully requested.

The patent term adjustment for U.S. patent application number 10/072,220 is calculated as shown below. Dates are specified based on the Patent Application Information Retrieval (PAIR) system Patent Term Adjustment History, attached as Exhibit B. This application is not subject to a terminal disclaimer.

#### **Period of adjustment under 37 C.F.R. § 1.703(a)**

The period of adjustment under 37 C.F.R. § 1.703(a) is the number of days in the period beginning on the day ("the 14 month date") after that date that is fourteen months after the date on which the application was filed under 35 U.S.C. § 111(a) and ending on the date of mailing or either an action under 35 U.S.C. § 132 or a notice of allowance under 35 U.S.C. § 151, whichever comes first.

The present application was filed on February 8, 2002. The 14 month date specified in 37 C.F.R. § 1.703(a) is April 8, 2003. The first PTO action was a non-final rejection mailed April 15, 2003. The difference between the 14 month date and the date of mailing of the non-final rejection is 7 days.

#### **Reduction in period of adjustment under 37 C.F.R. § 1.704(b)**

With respect to the grounds for adjustment set forth in 37 C.F.R. § 1.703(a)-(e), an applicant is deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods or time in excess of three months that are taken to reply to any notice or action by the Office. Any such three month period is measured from the date the notice or action was mailed to the applicant.

Application no. 10/072,220  
Request dated: January 20, 2005  
Reply to notice of allowance dated: October 27, 2004

The period of adjustment set forth in 37 C.F.R. § 1.703 shall be reduced by the number of days beginning on the day ("the 3 month date") after the date that is three months after the date of mailing of the Office communication.

In the present application, a notice to file missing parts was mailed on April 4, 2002. The 3 month date for this communication is July 4, 2002, 2004. A fully responsive response to the notice to file missing parts was mailed on June 27, 2002 as evidenced by the return receipt postcard included herewith as Exhibit A. As is further evidenced by the OIPE date stamp on Exhibit A, the response was received by the USPTO on July 8, 2002. However, the USPTO did not mark the application "complete" until October 22, 2002, as evidenced by the PAIR Patent Term Adjustment History for the present application attached hereto as Exhibit B. It is submitted that this is an error, resulting in 106 erroneous days of applicant delay.

Other portions of the applicant delay as calculated by the PTO are not contested.

Request for reconsideration of patent term adjustment indicated in the notice of allowance under 37 C.F.R. § 1.705(b)

Any request for reconsideration of the patent term adjustment indicated in the notice of allowance, except as provided in 37 C.F.R. § 1.705(d), must be made by way of an application for patent term adjustment filed no later than the payment of the issue fee.

The notice of allowance for the present application was mailed on October 27, 2004 and indicated a patent term adjustment of 0 days. As of that date, the Applicants believed they were entitled to at least an additional 7 days under 37 C.F.R. § 1.705(b), given that the patent had not yet issued. It is submitted that the number of days of applicant delay was calculated erroneously in arriving at the 0 days of patent term adjustment indicated on the notice of allowance. Correction of this erroneous calculation is respectfully requested.

Accordingly, reconsideration of the patent term adjustment for the present application is respectfully requested.

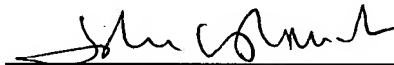
Application no. 10/072,220  
Request dated: January 20, 2005  
Reply to notice of allowance dated: October 27, 2004

Fee payment

Please charge the petition fee under 37 C.F.R. § 1.18(e) to Deposit Account No. 23-1925. Please charge any additional fee required or credit for any excess fee paid to Deposit Account No. 23-1925. A duplicate copy of this Petition is attached.

Applicant respectfully requests reconsideration of the patent term adjustment for this patent. Office personnel are invited to contact the undersigned attorneys for the Applicant via telephone if such communication would expedite this request.

Respectfully submitted,



John G. Rauch  
Registration No. 37,218  
Attorney for Applicant

January 20, 2005  
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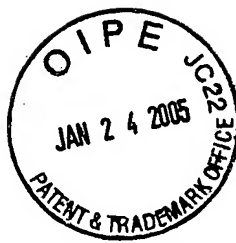
Case No. 9623/374  
Applicant Siph, et al

Director of The United States Patent & Trademark Office  
Washington, D.C. 20231

Please ac Serial No 10/072,220

Items Mailed Checks for \$110; 130 and 40; Power of Attorney and Fee for Extension of  
Time, in duplicate; Response to Notice to File Missing Declaration; Power of Attorney; copy of Notice; Assignment Recording sheet;  
Declaration; Power of Attorney; copy of Notice; Assignment Recording sheet;  
Assignment; postcard evidencing receipt.

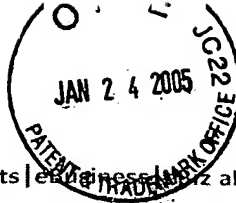
BRINKS HOFER GILSON & LIONE  
By: John G. Rauch, Reg. No. 37,218  
Date of Mailing June 27, 2002



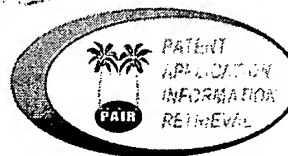
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## PATENT APPLICATION INFORMATION RETRIEVAL



## Patent Term Adjustment (PTA) for publication number: 10/072,220

			Days
Filing or 371(c) Date:	02-08-2002	USPTO Delay (PTO):	321
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	420
Post-Issue Petitions (days):	+0	Total PTA:	0
USPTO Adjustment (days):	+0	Explanation of Calculations	

## Search Options

Assignments
Continuity Data
Display References
File History
Publication Review
Published Documents

## Patent Term Adjustment History

Date	Contents Description	PTO (days)	APPL (days)
10-27-2004	Mail Notice of Allowance	314	
10-27-2004	Mail Examiner Interview Summary (PTOL - 413)	↑	
10-27-2004	Notice of Allowance Data Verification Completed	↑	
06-18-2004	Miscellaneous Incoming Letter	↑	
07-13-2004	IFW TSS Processing by Tech Center Complete	↑	
05-20-2004	Reference capture on IDS	↑	
05-20-2004	Information Disclosure Statement (IDS) Filed	↑	276
09-12-2003	Notice of Allowability	↑	↑
09-02-2003	Examiner Interview Summary Record (PTOL - 413)	↑	↑
08-27-2003	Date Forwarded to Examiner	↑	↑
08-18-2003	Response after Non-Final Action	↑	34
08-18-2003	Request for Extension of Time - Granted		↑
04-15-2003	Mail Non-Final Rejection	7	↑
04-09-2003	Non-Final Rejection	↑	
11-04-2002	Case Docketed to Examiner in GAU	↑	
10-21-2002	Application Dispatched from OIPE	↑	
10-22-2002	Application Is Now Complete	↑	110
02-08-2002	Additional Application Filing Fees	↑	↑
02-08-2002	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applicant	↑	↑
09-25-2002	Petition Decision - Granted	↑	↑
05-20-2002	Petition Entered	↑	↑
04-04-2002	Notice Mailed--Application Incomplete--Filing Date Assigned	↑	↑

03-18-2002	IFW Scan & PACR Auto Security Review	↑	
02-08-2002	Initial Exam Team nn	↑	